

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22AL-_____ E

IN THE MATTER OF ADVICE LETTER NO. 828 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC TO INCREASE THE ENERGY COST ADJUSTMENT (ECA) TO BECOME EFFECTIVE JULY 1, 2022.

MOTION FOR APPROVAL OF ALTERNATIVE FORM OF NOTICE

Pursuant to C.R.S. § 40-3-104(1)(c)(I)(E) and Rule 1207(b), Black Hills Colorado Electric, LLC (“Black Hills” or “Company”), by its undersigned attorney, requests that the Commission enter an Order approving an alternative form of notice that will apply to Advice Letter No. 828-Electric. By Advice Letter No. 828-Electric, Black Hills seeks to amend its Energy Cost Adjustment (“ECA”) rate, contained on Tariff Sheet No. 65 in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff. The ECA is applicable to all retail customers. Black Hills also asserts that conferral is not required for this Motion according to Commission Rule 1400(a)(I). In support of the relief requested, Black Hills states as follows:

1. On May 31, 2022, the Company filed Advice Letter No. 828-Electric to amend its ECA rate on Tariff Sheet No. 65, in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff. The proposed tariff amendment will increase the ECA rate from \$0.05101 per kWh to \$0.06088 per kWh, beginning July 1, 2022.

2. Specifically, Black Hills seeks Commission authorization to use the following form of alternative notice for its amendments to its ECA:

- a. Filing with the Commission, and keeping open for inspection, Advice Letter No. 828-Electric, which amends its ECA rate, on Tariff Sheet No. 65, in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff. The Company will also post on its website at the

time of filing: (1) a Customer Notice attached herewith as Attachment 1 – Customer Notice (“Customer Notice”) and (2) Advice Letter No. 828-Electric and its accompanying tariff sheet, for thirty (30) days. The website posting will include a reference to the applicable proceeding number. The applicable website address for the posting of Advice Letter No. 828-Electric, Attachment 1 – Customer Notice, and the accompanying tariff sheet is: <http://www.blackhillsenergy.com/rates/applications>.

- b. Printing a message on each applicable customer’s bill providing the website URL for the Customer Notice and Advice Letter No. 828-Electric and its accompanying tariff sheet, and a toll-free phone number for assistance, beginning within one week of the filing of Advice Letter No. 828-Electric. The bill messages will run for one full billing cycle. The bill messages, by customer class, read as follows:

Residential:

“We filed to amend our ECA to \$0.06088 per kWh. The revision will increase annual revenues by \$19M. An average monthly residential bill will increase \$6.21 from \$112.37 to \$118.58, or 5.52%. Call (888) 890-5554 or visit blackhillsenergy.com/filings for more details.”

Small Commercial:

“We filed to amend our ECA to \$0.06088 per kWh. The revision will increase annual revenues by \$19M. An average small commercial bill will increase \$10.47 from \$383.74 to \$394.22, or 2.73%. Call (888) 890-5554 or visit blackhillsenergy.com/filings for more details.”

Other Customers:

“We filed to amend our ECA to \$0.06088 per kWh. The revision will increase annual revenues by \$19M. Customers can call (719) 546-5847 for information on how the proposed amendment may affect them.”

- c. Publishing a legal notice of Advice Letter No. 828-Electric (*i.e.*, Attachment 1 – Customer Notice), with size dimensions of four columns width and 11 inches height, in three newspapers of general circulation for the service territory: 1) *The Pueblo Chieftain* (two consecutive Tuesdays, June 7 and June 14); and 2) the *Cañon City Daily Record* (two consecutive Fridays, June 3 and June 10); and 3) the *Rocky Ford Daily Gazette* (two consecutive Thursdays, June 2 and June 9).

3. In order to properly inform the customers regarding the rate change, the Company would like to use the forms of noticing described above. The Company believes that through noticing customers via bill messages, legal notice publication, and the required website posting, the Company will be able to reach all customers in the service territory in an affordable and efficient manner. In the event the Commission denies this Motion, and determines that additional notice is required, the Company will provide additional notice consistent with the Commission's order.

4. There is good cause for the alternative form of notice requested by this Motion. The Company's bill message does not conflict with its billing cycle, and it provides visibility to the customer because it is presented on the first page of the bill, where the customer looks for dollar amount due and the payment deadline. The toll-free phone number provided in the bill message will give customers a second option to learn more about the amended tariff if they cannot access the internet for the Company's website. In addition, the newspaper publications will ensure general notice to customers throughout the Company's service territory. These alternative forms of notice are expeditious and economic for the Company's customers.

5. The other methods of additional notice set forth in C.R.S. § 40-3-104(1)(c)(I)(A) through (D) are either too costly or not practical in light of the required timing. C.R.S. § 40-3-

104(1)(c)(I)(A) through (C) requires that notice be completed during the first twenty days of the thirty-day period prior to the effective date of the increase or during a regular billing cycle not later than the twentieth day of the thirty-day period prior to the effective date of the change. With the proposed effective date of July 1, 2022, the notice must be completed by June 20, 2022. However, the Company is not able to complete notice by June 20, 2022 while providing notice to all customers during a regular billing cycle. The inclusion of a bill insert in C.R.S. § 40-3-104(1)(c)(I)(A) and (C), as well as the mailing of notice to each affected customer reflected in C.R.S. § 40-3-104(1)(c)(I)(D) are costly. Finally, C.R.S. § 40-3-104(1)(c)(I)(D) allows for notice via e-mail or text message. However, customer fatigue from multiple e-mail and text messages will result in customers opting out of this delivery method reducing the ability to provide important emergency notifications when necessary. The alternative forms of notice sought herein includes part of the methods of C.R.S. § 40-3-104(1)(c)(I)(A) (publication in a newspaper of general circulation) and C.R.S. § 40-3-104(1)(c)(I)(C) (statement on the bill mailed to each customer) to expeditiously and economically notify customers of the proposed change in rates.

6. Wherefore, Black Hills respectfully requests that the Commission approve the alternative form of notice set forth in this Motion to amend the ECA rate, on Tariff Sheet No. 65, in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff.

Date: May 31, 2022

Respectfully submitted,

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